

## **CHAPTER 1 GENERAL PROVISIONS**

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### **1.01 Village Powers.**

On November 6, 2003, the electors of the Town of Spring Green authorized the Town Board to exercise village powers pursuant to secs. 60.10(2)(c) and 60.22(3), Wis. Stats.

### **1.02 Comprehensive Plan.**

- (1) On February 3, 2005, the Town of Spring Green adopted its Comprehensive Plan.
- (2) The purpose of this is to aid the Town Comprehensive Planning Committee and the Town Board in the performance of their duties in respect to planning future development and use of the Town facilities and services.
- (3) That the extent to which and the schedule according to which the Town of Spring Green Comprehensive Plan may be implemented shall be determined from time to time, in the future, by further action of the Town Board.

### **1.03 Plan Commission.**

- (1) **Purpose.** The purpose of this ordinance is to establish a Town of Spring Green Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.
- (2) **Authority; Establishment.** The Town Board of the Town of Spring Green has been authorized by the Town meeting under sec. 60.11(2)(c), Wis. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, sec. 990.01 (29), Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

**(3) Membership.** The Plan Commission consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and four (4) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

**(4) Appointments.** The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. All appointments are subject to the approval of the Town Board. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

**(5) Terms of Office.** The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three (3) years, ending on April 30, or until a successor is appointed and qualified, except:

- (a) **Initial Terms.** The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
- (b) **Town Board Member or Chairperson.** The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

**(6) Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

**(7) Compensation; Expenses.** The Town Board of the Town of Spring Green hereby sets a per diem allowance which shall be set from time to time by the Town Board, per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

**(8) Experts & Staff.** The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

**(9) Rules; Records.** The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

**(10) Chairperson & Officers.**

- (a) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:
  - i. provide leadership to the Commission;
  - ii. set Commission meeting and hearing dates;
  - iii. provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
  - iv. preside at Commission meetings and hearings; and
  - v. ensure that the laws are followed.
- (b) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- (c) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

**(11) Commission Members as Local Public Officials.** All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on:

Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

**(12) General & Miscellaneous Powers.** The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- (a) Necessary to enable it to perform its functions and promote Town planning.
- (b) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- (c) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (d) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (e) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

**(13) Plan & Administration.**

- (a) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
  - i. Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.
  - ii. Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.
  - iii. Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
  - iv. Other. Any other ordinance specified by the Town Board
- (b) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

- (c) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
- (d) Subdivision review. Proposed plats under ch. 236, Wis. Stats., and proposed subdivisions or other land divisions under the Town subdivision ordinance, if enacted, under sec. 236.45, Wis. Stats. shall be referred to the Plan Commission for review and recommendation to the Town Board.
- (e) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

**(16) Referrals to the Plan Commission.**

- (a) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
  - i. The location and architectural design of any public building.
  - ii. The location of any statue or other memorial.
  - iii. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
    - a. street, alley or other public way;
    - b. park or playground;
    - c. airport;
    - d. area for parking vehicles; or
    - e. other memorial or public grounds.
  - iv. The location, extension, abandonment or authorization for any publicly or privately owned public utility.

- v. All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
  - vi. The location, character and extent or acquisition, leasing or sale of lands for:
    - a. public or semi-public housing;
    - b. slum clearance;
    - c. relief of congestion; or
    - d. vacation camps for children.
  - vii. The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.
- (b) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- i. An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
  - ii. An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
  - iii. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
  - iv. Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
  - v. Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
  - vi. Matters relating to the establishment or termination of a business improvement district required to be referred under sec. 66.1109, Wis. Stats.
  - vii. A proposed housing project under sec. 66.1211(3), Wis. Stats.
  - viii. Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.

- iv. The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
  - x. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (c) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:
- i. Any proposal, under sec. 59.69, Wis. Stats., for the Town to approve general county zoning so that it takes effect in the Town, or to remain under general county zoning.
  - ii. Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
  - iii. A proposed driveway access ordinance or amendment.
  - iv. A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
  - v. A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.
  - vi. An application for a conditional use or special exception permit under the County zoning ordinance.
  - vii. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
  - viii. A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.
  - iv. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.

- x. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
  - xi. Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
  - xii. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
  - xiii. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
  - xiv. A proposed Town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
  - xv. A proposal to create environmental remediation tax incremental financing in the Town under sec. 66.1106, Wis. Stats.
  - xvi. A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
  - xvii. Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
- (d) Discretionary referrals. The Town Board, or other Town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:
- i. A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
  - ii. A proposed county zoning ordinance or amendment.
  - iii. A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.



- iv. An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
  - v. A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
  - vi. A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
  - viii. A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of Town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
  - xiv. Any other matter deemed advisable for referral to the Plan Commission for report.
- (e) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

#### **1.04 Destruction of Records.**

**(1) Purpose.** The purpose of this is to provide the Town Officers of the Town of Spring Green with the authority to destroy certain obsolete public records in possession of the Town of Spring Green.

**(2) Authority.** The Town Board of the Town of Spring Green has the specific authority under section 19.21(4) of the Wisconsin Statutes, to manage and destroy obsolete public records in the Town's possession.

**(3) Financial Records.** The Town Officers, pursuant to section 19.21(4) of the Wisconsin Statutes, may destroy the following financial non-utility records that have been kept for more than seven (7) years of which they are the legal custodians and that are considered obsolete: checks, cancelled checks, bank statements and ledgers.

**(4) Other Records.** The Town Officers, pursuant to section 19.21(4) of the Wisconsin Statutes, may destroy the following records that have been kept for more than seven (7) years of which they are the legal custodians and that are considered obsolete: tax assessments and statements, ledgers, communications, letters, and minutes of the Sauk County Board of Supervisors and its subcommittees.

**(5) Historical Society Notification.** Prior to the destruction of any public record described in Sections 4.01, 5.01, or 6.01, at least 60 days notice in writing shall be given to the State Historical Society of Wisconsin.

**(6) Forest Crop Acreage.** No assessment roll containing forest crop acreage may be destroyed without prior approval of the State Secretary of Revenue.

### **1.05 Citations.**

**(1) Purpose.** The purpose of this is to authorize the Town Board of the Town of Spring Green, or its designees, to issue citations for violations of Town of Spring Green ordinances, including ordinances with statutory counterparts.

**(2) Authority.** The Town Board of the Town of Spring Green, Sauk County, Wisconsin, has the specific authority under s. 66.0113, Wis. Stats., to adopt this section.

**(3) Adoption of Ordinance.** The Town Board of the Town of Spring Green, by this section, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town of Spring Green to issue citations for violations of Town of Spring Green ordinances, including ordinances with statutory counterparts.

### **(4) Coverage.**

- (a) Except as provided in subsections d and e, the form for citations to be issued in the Town of Spring Green by the Town Board, or its designees, for violations of Town of Spring Green ordinances shall be as provided in this subsection and shall include all of the following:
  - i. The name and address of the alleged violator.
  - ii. The factual allegations describing the alleged violation.
  - iii. The time and place of the alleged violation.
  - iv. The number of the ordinance violated.
  - v. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.

- vi. The time at which the alleged violator may appear in court.
- vii. A statement that in essence informs the alleged violator of all of the following:
  - (a) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
  - (b) That if the alleged violator makes a cash deposit, he or she need not to appear in court unless subsequently summoned.
  - (c) That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Chapter 814, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
  - (d) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees and surcharges imposed under Chapter 814, Wis. Stats.
  - (e) That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093, Wis. Stats.
- viii. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113(1)(b)7, Wis. Stats., and shall send the signed statement with the cash deposit.
- ix. Any other information as may be deemed necessary.

- (b) The Town Board adopts the schedule of cash deposits that are required for the various Town of Spring Green ordinance violations, which includes for each listed violation costs, fees and surcharges imposed under Chapter 814, Wis. Stats. set forth as Appendix B.
- (c) The Town Board names the Sauk County Clerk of Court as the official to whom cash deposits are to be made and require that receipts shall be given for cash deposits.
- (d) The Town Board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. Stats., shall be used by the Town of Spring Green in lieu of the citation form described in subsection (1).
- (e) The Town Board requires that in actions for violations of Town of Spring Green ordinances enacted in accordance with s. 30.77, Wis. Stats., the citation form specified in s. 23.54, Wis. Stats., shall be used in lieu of the citation form noted described in subsection (1).

**(5) Issuance and Service of Citation.**

Before issuing a citation under any ordinance, the Town Board shall give notice to the person charged with violating this ordinance. Such notice shall be in writing, and shall be served upon said person by mail or personal service or, at the option of the Town Board, by posting a copy of the notice on a building or structure likely to provide notice to the property owner, if applicable. The notice shall specify that failure to remedy the violation within ten (10) days of the date of personal service or posting; or twelve (12) days from the mailing, shall result in the issuance of a penalty.

The Town is not required to comply with this notice requirement if the public health and safety requires that a citation be administered, or legal action be taken, immediately.

Town of Spring Green citations may be issued by the Town Board of the Town of Spring Green or its designee.

The citation amounts are set forth in Appendix A. In addition to those amounts, the violator shall pay the Town's attorney fees and prosecution costs, to the extent authorized by law.

**(6) Relationship to Other Laws.** The adoption and authorization for use of a citation under this ordinance does not preclude the Town Board of the Town of Spring Green from adopting any other ordinance or providing for the enforcement of any other law or ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same of any other

matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

**1.06 Severability.**

If any provision of this Code of Ordinances or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Code of Ordinances that can be given effect without the invalid provision of application, and to this end, the provisions of this Code of Ordinances are severable.